THE HYDERABAD COMPULSORY PRIMARY EDUCATION ACT, No. XL OF 1952.

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*THE HYDERABAD COMPULSORY PRIMARY EDUCATION ACT, 1952.

NO. XL OF 1952.

An Act to provide for Free Compulsory Primary Education in the State of Hyderabad.

Preamble.

WHEREAS it is expedient to provide for free compulsory primary education in pursuance of the declared policy of Government that universal, free and compulsory primary education should be introduced in the State of Hyderabad by a definite programme of progressive expansion;

It is hereby enacted as follow:—

Short title, extent and commencement.

1. (1) This Act may be called the Hyderabad Compulsory Primary Education Act, 1952.

Definitions.

(2) It extends to the whole of the State of Hyderabad.

(3) It shall come into force in such areas and from such dates as the Government may, by notification in the Jarida appoint, and different dates may be appointed for different areas.

2. In this Act, unless there is anything repugnant in the subject or context—

(*i*) "approved school" means a school maintained by the Government or a part of such school in which primary education up to any standard imparted, and at which no fee is charged for instruction;

(*ii*) "area of compulsion" means the area in which primary education up to any standard, is compulsory;

(*iii*) "child" means a boy or girl whose age is not less than six years and not more than eleven years, at the beginning of the school year;

Explanation.—For the purpose of this definition, school year means the year beginning on such date as the Director may fix.

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(*iv*) "director" means the Director of Public Instruction of the State of Hyderabad;

(*v*) "guardian" includes the parent and any person who has the actual custody and care of a child;

(*vi*) "local committee" means the Committee constituted under section 3;

(*vii*) "prescribed" means prescribed by rules made under this Act;

(*viii*) "primary education" means education in such subjects and up to such standard as may be determined by the Government, from time to time.

(*ix*) "recognised school" means a school or a part of such school; other than an approved school or a special school, in which primary education up to any standard is imparted, and which is, for the time being, recognised by the Director, irrespective of whether fee for instruction is or is not charged therein;

(*x*) "school" means an approved school, a special school or a recognised school;

(*xi*) "special school" means a school maintained by the Government or a part of such school in which primary education up to any standard is imparted, and which is permitted to charge fee for instruction;

(*xii*) "to attend" used with reference to a school means to be present for instruction at the school on such dates and for such time and for such periods of each day as may be required under regulations framed by the Local Committee for that area with the approval of the Director.

Constitution of Local Committees.

3. (1) For each area of compulsion, or two or more such areas which are contiguous, Government shall appoint a Local Committee.

(2) The composition of the Local Committee, the procedure of nomination and removal of its members, their term of office, their qualifications and disqualifications for continuing as members, the filling up of vacancies the dissolution of the Local Committee and the procedure for the conduct of its business, shall be such as may be prescribed.

Power of Director or other officer to attend meetings of Local Committees.

4. The Director or an officer nominated by him for this purpose shall have power to attend the meetings of the Local Committees or to call a meeting of the Local Committee to discuss and advise the authorities concerned on matters connected with compulsory primary education in the area, provided however that he shall not vote at such meetings.

Powers, duties and functions of the local Committees.

5. Subject to the provisions of this Act and the rules made thereunder, the Local Committee shall exercise and discharge the following powers and functions namely:—

(*i*) to determine the exact location of primary schools in its area of compulsion;

(*ii*) to carry on propaganda for the spread of primary education among the children of its area of compulsion;

(*iii*) to recommend to the Director any changes which may seem to the Local Committee to be necessary in the hours of work, holidays and vacations in the schools in its area;

(*iv*) to make arrangements to provide such facilities as may be prescribed for the poor children attending school in its area;

(*v*) to grant exemptions from compulsory attendance at schools under this Act;

(*vi*) to maintain an up-to-date list of chilren liable to attend school in its area and to obtain and keep a record of such other information as may be necessary for the purpose of enforcing the attendance of children at school and of preventing interference with such attendance;

(*vii*) to render all necessary help to Government officials engaged in the work of compulsory primary education in its area.

Obligation of the guardian to send children to school.

6. Where a notification under sub-section (3) of section 1 is in force in any area, every guardian of a child shall, if such guardian ordinarily resides in such area, cause the child to attend a school.

Exemption from attendance.

7. (1) Where there is reasonable excuse for non-attendance of a child at school, the guardian of the child may apply to the Local Committee for a certificate of exemption.

(2) A child may be exempted from compulsory attendance at school under this Act—

(*a*) when there is no school within a distance of one mile measured along the nearest road from the residence of the child,

(*b*) where it is impracticable or inexpedient to attend the school on account of illness, disease, injury, affliction, infirmity or any other cause whether of a like nature or not which is regarded as sufficient by the Local Committee, subject to such restrictions as may be prescribed in this behalf, or

(*c*) on such other grounds as may be precribed.

(3) An appeal against an order refusing to grant a certificate of exemption from attendance at school, shall lie to the Director, whose decision shall be final.

Issue of attendance order.

8. When a Local Committee has reason to believe that a guardian of a child who is bound, under the provisions of this Act to cause the child to attend a school, has failed to do so, or that any person, other than the guardian, is utilising the time or services of a child in connection with an employment whether for remuneration or not, in any such way or at such time as to interfere with the attendance of the child at a school, it shall make an order directing the guardian or such other person to cause such child to attend school on and from a date specified in the order, or as the case may be, to refrain from utilising the services of a child from such date so as not to interfere with his attendance at the school.

Penalty for failure to cause a child to attend school.

9. (1) When a Local Committee is satisfied that a guardian has failed to cause his child to attend school or that any other person is interfering with such attendance, of a child even after the issue of an attendance order under section 8, it shall report the matter to the Inspector of Schools, who shall cause a complaint to be lodged

against such a guardian or other person, with the Magistrate having local jurisdiction.

(2) Any person proved to the satisfaction of the Magistrate, to have contravened an attendance order passed under section 8, shall be liable to a fine not exceeding five rupees and to a further fine not exceeding annas eight per day if such contravention continues after the first conviction.

Provision of free education by State Government.

10. Arrangements shall be made by Government to provide free instruction in approved schools for children whose attendance at school under this Act is made compulsory and whose guardians do not arrange for their instruction in special schools or recognised schools.

Inspection of offices, books and accounts of Local Committees.

11. The office, books and accounts of every Local Committee shall be open to inspection by the concerned officers of the Education Department.

Power to make rules.

12. Government may by notification in the Jarida make rules to carry out the purposes of this Act and in particular and without prejudice to the generality of the foregoing power such rules may provide for anything which may be prescribed under this Act;

Repeal.

13. All previous enactments, rules and regulations in force in the matter of compulsory primary education, are hereby repealed.